

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

June 17, 2002
7:20 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and Administrative Assistant Audrey Peterson.

Proposed additions to the agenda included discussion of helicopter base, Airport project, and League of Minnesota Cities.

Council Member DeBlieck requested that the Municipal Utilities Commission minutes and Council Member Dokken requested that the Planning Commission minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 5, Building Inspection Report for May, Kandiyohi Area Transit Board Minutes of May 9, Pioneerland Library Board Minutes of April 18, Housing and Redevelopment Authority Board Minutes of May 14, and Airport Commission Minutes of June 4, 2002. Council Member Fagerlie seconded the motion, which carried.

The Council discussed items relating to a Power Supply Study and policy considerations and requested Municipal Utilities staff appear before the Council at a later date to more fully discuss the findings. The Municipal Utilities Commission Minutes of June 3, 2002, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

The Council discussed an item regarding capital improvements review in the Planning Commission Minutes. Following discussion, the Planning Commission Minutes of June 12, 2002, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Christianson, and carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report of June 10, 2002, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Tim Flaherty and Kari Falver with the Coalition of Greater Minnesota Cities updated the Committee of Coalition activities over the past year. The majority of the discussion was in the areas of city aid, annexation, transportation, economic development and environmental

issues. This matter was for information only.

Item No. 2 The Committee received an update from staff on the status of the WEAC Air Conditioning Project. It was noted the consultants have contacted the City with preliminary cost estimates that are over the \$60,000 budgeted for the project.

The revised estimate was still \$28,000 over the budgeted amount. Staff was directed to review the original documents submitted with the budget request and discuss them with local contractors and bring it back to Committee at a later date. This matter was for information only.

Item No. 3 The Committee reviewed the following reports: April K.A.T. and Pioneerland Library financial reports. This matter was for information only.

The Finance Committee Report of June 10, 2002, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report of June 11, 2002, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Duane Rengel, owner of Gerry's Liquor, appeared before the Committee to address his establishment's first violation of the Liquor Ordinance. The Police Department performed a compliance check on May 21, 2002, when an employee failed to check identification. According to the Ordinance, a first violation requires a written warning to the license holder and their appearance at a City Council Committee meeting to explain measures being taken to eliminate future violations. Mr. Rengel informed the Committee he would be implementing the use of ID Logix and sending employees to training offered by the Police Department. This matter was for information only.

Item No. 2 The Committee considered a recommendation from staff for acceptance and final payment to Shank Constructors for the WTP Interim Improvements. This project included improvements to the mechanical bar screens, digester heating and mixing, RBC replacements, and replacement of digester gas safety equipment, and this work has been completed. The Committee was recommending to the Council to accept the project and approve final payment to Shank Constructors.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Wastewater Treatment Plant Interim Improvements

Contractor:	Shank Constructors, Inc.
Date of Contract:	February 20, 2001
Begin Work:	May, 2001
Complete Work:	May, 2002
Approve, City Engineer:	June 11, 2002

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said Wastewater Treatment Plant Interim Improvements be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

Original Contract Amount:	\$1,880,400.00
Change Order No. 1	335,189.00
Change Order No. 2	(18,793.00)
Change Order No. 3	6,324.74
Change Order No. 4	(5,591.00)
 Final Net Contract Amount, Proposed:	 \$2,188,772.00
Actual Final Contract Amount as Constructed:	\$2,188,772.00
Less Previous Payments (1 through 9)	\$2,183,772.00
 FINAL PAYMENT DUE CONTRACTOR:	 \$5,000.00

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 3 The Committee reviewed W. D. Shock's appraisal for an avigation easement on 1.09 acres of land for the approach of the crosswind runway. Compensation for the easement is \$11,100 and is a State participation item. The Committee was recommending to the Council to accept the appraisal as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

AUTHORIZATION TO EXECUTE AVIGATION EASEMENT
AIRPORT LAND ACQUISITION

WHEREAS, an avigation easement agreement has been prepared for land acquisition for the new airport; and

WHEREAS, the Minnesota Department of Transportation is offering to share in the allowable costs incurred for this purpose; and

WHEREAS, agreements have been prepared for the terms and conditions of avigation easement;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to enter into said agreements on behalf of the City.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 4 The Committee reviewed plans for the extension of the walk path from the Flags of Honor Park past the Kandiyohi Power Cooperative up to and connecting with the path on Civic Center Drive. The approximate length of the path is 2,600 feet and is estimated to cost \$37,000. This project is funded with a DNR grant and state aid funds. The Committee was recommending to the Council to approve the plans and specifications for walk path project and authorize advertisement of bids.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0107 – Walk Path Improvements for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:30 p.m. on the 5th day of August, 2002, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee reviewed plans for the 2002 Street Lighting Project. Areas included in the project are 23rd Avenue SW, Triple R Development in Country Club Drive area, 9th Street SW, Abbott Drive, and Olena Avenue. The estimated cost of the project is \$47,300 and is included in the improvement budget and includes installation of 37 poles of which 5 are decorative. The Committee was recommending to the Council to approve the plans and specifications for walk path project and authorize advertisement of bids.

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0204 – Street Lighting Improvements for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:30 p.m. on the 5th day of August, 2002, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 6 The Committee considered a request to apply for a Federal grant in the amount of \$13,892 from the Bureau of Justice. The grant requires a local ten percent match of \$1,528 for a total grant project of \$15,420. Staff proposes using the grant money to start a canine program for the Willmar Police Department. The Committee was recommending to the Council to grant permission to apply for the grant on behalf of the City.

Following discussion, Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar to approve a grant application with the Bureau of Justice for funds to start a canine program for the Willmar Police Department.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

The Public Works Safety Committee Report of June 11, 2002, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance for the Sale of Land Owned by the City of Willmar. Mr. Peterson explained the Willmar Municipal Utilities has negotiated the sale of a remnant parcel of land located on the west

side of 9th Street Southwest to Erickson Land Company L.L.P. for residential development. Following discussion, Council Member Reese offered a motion to introduce an Ordinance Authorizing the Sale of Land Owned by the City of Willmar and to schedule a hearing on July 1, 2002. Council Member Houlahan seconded the motion, which carried.

Council Member Anderson informed the Mayor and Council that he had received a call concerning the helicopter base and the City not being behind the project and was requesting a resolution of support for the helicopter base. Following discussion, a Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 6

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the City formally supports the development of a National Guard helicopter base and maintenance facility in Willmar.

BE IT FURTHER RESOLVED that the City recognizes the economic and community benefits of such facilities, and that a letter pledging municipal support and commitment to the project be drafted for signatures by the Mayor and Council Members.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

City Administrator Schmit informed the Mayor and Council that City Attorney Ronning has indicated a conflict of interest with regards to the Airport Project and the eminent domain process. Mr. Schmit and Planning and Development Services Director Peterson have met with two potential firms and were recommending the firm of Briggs and Morgan. Following discussion, Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement between the City of Willmar and Briggs and Morgan, P.A. for professional services in connection with eminent domain proceedings for the Airport Project.

BE IT FURTHER RESOLVED that the project budget be amended as necessary to reflect the terms of the agreement.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

City Administrator Schmit presented to the Mayor and Council information regarding proposed scope of services for Phase Five of the new Willmar Municipal Airport project for HNTB. This phase will result in final plans for grading of the Airport site and if approved by the City Council, will become part of the original agreement between the City and NHTB. Following discussion, Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and HNTB Engineering. The supplement includes the addition of Phase Five – Plans for Grading the Willmar Municipal Airport.

BE IT FURTHER RESOLVED, the original contract amount of \$235,722 was previously amended to include \$290,060 for a total not-to-exceed figure of \$525,782. This second amendment of \$133,000 sets the not-to-exceed figure at \$658,782.

Dated this 17th day of June, 2002.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Mayor Heitke commented on the flags that have recently been displayed throughout the City and noted he has received several positive remarks from the public.

Mayor Heitke briefly discussed the League of Minnesota Cities accomplishments over the past year including cultural diversity issues.

Announcements for Council Committee meeting dates were as follows: Community Development, June 20; Finance, June 24; Public Works/Safety, June 25; and Labor Relations, June 26, 2002.

Mayor Heitke announced that there would be a grand opening for the new skateboard park at 6:00 p.m. on July 1, 2002, prior to the City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:25 p.m. upon motion by Council Member Anderson, seconded by Council Member Houlahan, and carried.

Attest:

MAYOR

ACTING SECRETARY TO THE COUNCIL